

ORIGINAL

TODD W. EDDINS, #5544
 1001 Bishop Street
 Pauahi Tower, Suite 1320
 Honolulu, Hawaii 96813
 Telephone No. 808 538.1110
 Facsimile No. 808 528.2440
 E-Mail: Eddins@Eddinsdefense.com

Attorney for Defendant James Troiano

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

FEB 23 2006

at 1 o'clock and 0 min. N
 SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00261 HG
)
Plaintiff,) NOTICE OF MOTION; MOTION
) TO SUPPRESS IDENTIFICATION;
vs.) MEMORANDUM OF LAW IN
) SUPPORT OF MOTION;
JAMES TROIANO, (01)) CERTIFICATE OF SERVICE
)
Defendant.)
) Date: March 17, 2006
) Time: 9:00 a.m.
) Judge: HELEN GILLMOR
)
)

NOTICE OF MOTION

TO: CLAIRE CONNORS
 Assistant United States Attorney
 Room 6100, PJKK Federal Building
 300 Ala Moana Blvd.
 Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Judge Helen Gillmor in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, on March 17, 2006 at 9:00 a.m.

DATED: Honolulu, Hawaii February 23, 2006.



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UNITED STATES OF AMERICA,) CR. NO. 05-00261 HG
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Plaintiff,) MOTION TO SUPPRESS
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vs.)
)
JAMES TROIANO,)
)
Defendant.)
)
)

MOTION TO SUPPRESS IDENTIFICATION

Defendant No. 01 JAMES TROIANO (Troiano), by and through his counsel, Todd Eddins, hereby moves this Honorable Court for an order suppressing evidence relating to the identification of Troiano by complainant Milton Agader on the ground that his Fifth Amendment right to due process of law was violated

because the identification procedures were unnecessarily and impermissibly suggestive and the circumstances surrounding the identification were unreliable.

This motion is based on Federal Rules of Criminal Procedure Rules 12 and 47, and the Fifth Amendment to the United States Constitution, the attached Memorandum of Law in Support of Motion, the evidence elicited at an evidentiary hearing on the motion, and the arguments by counsel at the hearing on the motion.

DATED: Honolulu, Hawaii: February 23, 2006

A handwritten signature in black ink, appearing to read "Tedd Eddins", is written over a horizontal line.

Todd Eddins
Attorney for Defendant James Troiano